



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

MAY 07 2008

Marian Massoth, Air Permitting Chief
Kansas Department of Health and Environment
Bureau of Air and Radiation
1000 SW Jackson, Suite 310
Topeka, KS 66612-1366

RE: Crestwood, Inc. proposed Class I Operating Permit comments

Dear Ms. Massoth:

On March 26, 2008, the United States Environmental Protection Agency (EPA) received notice from the Kansas Department of Health and Environment (KDHE), of the proposed Class I Operating Permit for Crestwood, Inc. located at 601 East Water Well Road, Salina, Kansas. We have completed our review of the proposed permit and have the following comments.

In review of the proposed permit, the following items were observed:

Comment 1.

We recommend that the KDHE identify the origin of and authority for each requirement or provision stated in the permit. Title V operating permits should be a clear permitting record that the public can review and determine what conditions and limitations apply to the source at the time the permit is issued. The permitting record should explain the underlying requirements for each of the provisions by identifying the origin of and authority for each condition in the permit. All underlying requirements, such as Kansas rules, pre-construction permits, etc, need to be referenced in the operating permit. Each condition stated throughout the permit should specifically state the origin of and authority for the condition as required by 40 CFR 70.6(a)(1)(i) and K.A.R. 28-19-512(a)(5). As examples, we have included the K.A.R. citation in brackets with some of the items below which we believe is the underlying requirement.

Page 6. Applicable Requirements, B. The Limitation or Standard section should give the origin of and authority for the conditions as required by 40 CFR 70.6(a)(1)(i). [K.A.R. 28-19-501(d)(1)]

Page 7. Applicable Requirements, C. The Work Practice Standards section should give the origin of and authority for the conditions as required by 40 CFR 70.6(a)(1)(i). [40 CFR 63.803(a)]

Page 9. The Opacity Summary section limits all emission units to 20% opacity but does not give the origin of and authority for the condition as required by 40 CFR 70.6(a)(1)(i). [K.A.R. 28-19-650(a)(3) and K.A.R. 28-19-31(b)(2)]

Page 13. The Testing, Monitoring, Record-keeping and Reporting section should give the origin of and authority for the conditions as required by 40 CFR 70.6(a)(1)(i). [K.A.R. 28-19-512(a)(9) and K.A.R. 28-19-512(a)(10)]

Page 14. The Reporting of Deviations from Permit Terms section should give the origin of and authority for the conditions as required by 40 CFR 70.6(a)(1)(i). [K.A.R. 28-19-512(a)(11)]

Page 15. General Provisions: Paragraph 3. Permit Term and Renewal [K.A.R. 28-19-512(a)(8) and K.A.R. 28-19-514]; Paragraph 4. Severability, [K.A.R. 28-19-512(a)(13)]; Paragraph 5. Property Rights [K.A.R. 28-19-512(a)(14)(D)] should give the origin of and authority for the conditions as required by 40 CFR 70.6(a)(1)(i).

Page 16. General Provisions: Paragraph 6. Compliance [K.A.R. 28-19-512(a)(14)]; and Paragraph 7. Compliance Certifications, should give the origin of and authority for the conditions as required by 40 CFR 70.6(a)(1)(i).

Page 17. General Provisions: Paragraph 8. Emergency, should give the origin of and authority for the conditions as required by 40 CFR 70.6(a)(1)(i).

Page 18. General Provisions: Paragraph 9. Inspection and Entry, [K.A.R. 28-19-512(a)(22)]; and Paragraph 10. Permit Amendment, Modification, Reopening, and Changes Not Requiring a Permit Action, should give the origin of and authority for the condition as required by 40 CFR 70.6(a)(1)(i).

Page 19. General Provisions: Paragraph 11. Duty to Provide Information; Paragraph 12. Duty to Supplement; Paragraph 13. Other Permits and Approvals; Applicability; and Paragraph 14. Submissions, should give the origin of and authority for the conditions as required by 40 CFR 70.6(a)(1)(i).

Comment 2.

Page 6. Applicable Requirements, Paragraph B., Monitoring. The draft permit refers to a written air pollution control equipment maintenance plan (plan) that shall be developed, implemented and maintained. Review of the application that includes the initial Class I operating permit indicates that the plan was required for the initial permit and should currently be in place. Language in the renewal permit should be updated to reflect that the plan has been developed and the renewal permit is requiring its continued implementation and maintenance.

Comment 3.

Page 7: Applicable Requirements, Paragraph C., Work Practice Standards. The draft permit refers to a written work practice implementation plan that shall be prepared and

maintained. Review of the application that includes the initial Class I operating permit indicates that the written work practice implementation plan was required for the initial permit and should currently be in place. Language in the renewal permit should be updated to reflect that the written work practice implementation plan has been developed and the renewal permit is requiring its continued maintenance.

In review of the proposed statement of basis, the following items were observed:

Comment 4.

Page 2: Basis for Permit Renewal Changes, Paragraph 6. Regarding the woodworking equipment and the applicability of Compliance Assurance Monitoring (CAM), the Class I operating permit is silent on the applicability of K.A.R. 28-19-20 PM-related process weight rate rule. As a result, KDHE should either include as an applicable requirement or describe in the statement of basis why the rule doesn't apply. If determined to apply, then Crestwood would have to apply CAM if its pre-control emissions are greater than 100 tpy. The source has an obligation to estimate its site-specific pre-control emissions, either through stack testing or other reasonable means, to determine if CAM applies. Neither factor cited by KDHE, including the uncertainty in the post-control AP-42 emissions factor, nor the option to limit PTE through installation of control equipment in K.A.R. 28-19-501(d), are relevant when determining CAM applicability.

Additionally, this Paragraph should state that the booths meet CAM for HAPs through compliance with 40 CFR 63 Subpart JJ rather than stating that they are not subject to CAM.

As always, we appreciate the opportunity to provide what we hope you will find to be constructive comments. Please contact Patricia Scott at (913) 551-7312 if you have any questions or comments regarding this letter.

Sincerely,



Mark A. Smith, Chief
Air Permitting and Compliance Branch
Air and Waste Management Division